

1 AN ACT in relation to roads.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 7-1-1, 7-1-10, and 11-91-2 as follows:

6 (65 ILCS 5/7-1-1) (from Ch. 24, par. 7-1-1)

7 Sec. 7-1-1. Annexation of contiguous territory; roads.

8 Any territory that is not within the corporate limits of any
9 municipality but is contiguous to a municipality may be
10 annexed to the municipality as provided in this Article. For
11 the purposes of this Article any territory to be annexed to a
12 municipality shall be considered to be contiguous to the
13 municipality notwithstanding that the territory is separated
14 from the municipality by a railroad or public utility
15 right-of-way, but upon annexation the area included within
16 that right-of-way shall not be considered to be annexed to
17 the municipality.

18 Except in counties with a population of more than 500,000
19 but less than 3,000,000, territory which is not contiguous to
20 a municipality but is separated therefrom only by a forest
21 preserve district may be annexed to the municipality pursuant
22 to Sections 7-1-7 or 7-1-8, but only if the annexing
23 municipality can show that the forest preserve district
24 creates an artificial barrier preventing the annexation and
25 that the location of the forest preserve district property
26 prevents the orderly natural growth of the annexing
27 municipality. It shall be conclusively presumed that the
28 forest preserve district does not create an artificial
29 barrier if the property sought to be annexed is bounded on at
30 least 3 sides by (i) one or more other municipalities (other
31 than the municipality seeking annexation through the existing

1 forest preserve district), (ii) forest preserve district
2 property, or (iii) a combination of other municipalities and
3 forest preserve district property. It shall also be
4 conclusively presumed that the forest preserve district does
5 not create an artificial barrier if the municipality seeking
6 annexation is not the closest municipality to the property to
7 be annexed. The territory included within such forest
8 preserve district shall not be annexed to the municipality
9 nor shall the territory of the forest preserve district be
10 subject to rights-of-way for access or services between the
11 parts of the municipality separated by the forest preserve
12 district without the consent of the governing body of the
13 forest preserve district. The changes made to this Section by
14 this amendatory Act of 91st General Assembly are declaratory
15 of existing law and shall not be construed as a new
16 enactment.

17 In counties that are contiguous to the Mississippi River
18 with populations of more than 200,000 but less than 255,000,
19 a municipality that is partially located in territory that is
20 wholly surrounded by the Mississippi River and a canal,
21 connected at both ends to the Mississippi River and located
22 on property owned by the United States of America, may annex
23 noncontiguous territory in the surrounded territory under
24 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is
25 separated from the municipality by property owned by the
26 United States of America, but that federal property shall not
27 be annexed without the consent of the federal government.

28 When any land proposed to be annexed is part of any Fire
29 Protection District or of any Public Library District and the
30 annexing municipality provides fire protection or a public
31 library, as the case may be, the Trustees of each District
32 shall be notified in writing by certified or registered mail
33 before any court hearing or other action is taken for
34 annexation. The notice shall be served 10 days in advance.

1 An affidavit that service of notice has been had as provided
2 by this Section must be filed with the clerk of the court in
3 which the annexation proceedings are pending or will be
4 instituted or, when no court proceedings are involved, with
5 the recorder for the county where the land is situated. No
6 annexation of that land is effective unless service is had
7 and the affidavit filed as provided in this Section.

8 The new boundary shall extend to the far side of any
9 adjacent highway and shall include all of every highway
10 within the area annexed. These highways shall be considered
11 to be annexed even though not included in the legal
12 description set forth in the petition for annexation. When
13 any land proposed to be annexed includes any highway under
14 the jurisdiction of any township, the Township Commissioner
15 of Highways and the Board of Town Trustees shall be notified
16 in writing by certified or registered mail before any court
17 hearing or other action is taken for annexation. In the event
18 that a municipality fails to notify the Township Commissioner
19 of Highways and the Board of Town Trustees of the annexation
20 of an area within the township, the municipality shall
21 reimburse that township for any loss or liability caused by
22 the failure to give notice. If any municipality has annexed
23 any area before October 1, 1975, and the legal description in
24 the petition for annexation did not include the entire
25 adjacent highway, any such annexation shall be valid and any
26 highway adjacent to the area annexed shall be considered to
27 be annexed notwithstanding the failure of the petition to
28 annex to include the description of the entire adjacent
29 highway.

30 Any annexation, disconnection and annexation, or
31 disconnection under this Article of any territory must be
32 reported by certified or registered mail by the corporate
33 authority initiating the action to the election authorities
34 having jurisdiction in the territory and the post office

1 branches serving the territory within 30 days of the
2 annexation, disconnection and annexation, or disconnection.

3 Failure to give notice to the required election
4 authorities or post office branches will not invalidate the
5 annexation or disconnection. For purposes of this Section
6 "election authorities" means the county clerk where the clerk
7 acts as the clerk of elections or the clerk of the election
8 commission having jurisdiction.

9 No annexation, disconnection and annexation, or
10 disconnection under this Article of territory having electors
11 residing therein made (1) before any primary election to be
12 held within the municipality affected thereby and after the
13 time for filing petitions as a candidate for nomination to
14 any office to be chosen at the primary election or (2) within
15 60 days before any general election to be held within the
16 municipality shall be effective until the day after the date
17 of the primary or general election, as the case may be.

18 For the purpose of this Section, a toll highway or
19 connection between parcels via an overpass bridge over a toll
20 highway shall not be considered a deterrent to the definition
21 of contiguous territory.

22 When territory is proposed to be annexed by court order
23 under this Article, the corporate authorities or petitioners
24 initiating the action shall notify each person who pays real
25 estate taxes on property within that territory unless the
26 person is a petitioner. The notice shall be served by
27 certified or registered mail, return receipt requested, at
28 least 20 days before a court hearing or other court action.
29 If the person who pays real estate taxes on the property is
30 not the owner of record, then the payor shall notify the
31 owner of record of the proposed annexation.

32 (Source: P.A. 90-14, eff. 7-1-97; 91-824, eff. 6-13-00.)

33 (65 ILCS 5/7-1-10) (from Ch. 24, par. 7-1-10)

1 Sec. 7-1-10. Annexation of contiguous territory; roads.

2 Any municipality by ordinance may annex any territory
3 contiguous to it even though the annexed territory is
4 dedicated or used for street or highway purposes under the
5 jurisdiction of the Department of Transportation of the State
6 of Illinois, or a county or township highway department if no
7 part of the annexed territory is within any other
8 municipality. After the passage of the ordinance of
9 annexation a copy of the ordinance, with an accurate map of
10 the territory annexed, certified as correct by the clerk of
11 the municipality, shall be filed with the recorder of the
12 county in which the annexed territory is situated and a
13 document of annexation shall be filed with the county clerk
14 and County Election Authority.

15 (Source: P.A. 83-358.)

16 (65 ILCS 5/11-91-2) (from Ch. 24, par. 11-91-2)

17 Sec. 11-91-2. Abandonment; roads. Except in cases where
18 the deed, or other instrument, dedicating a street or alley,
19 or part thereof, has expressly provided for a specific
20 devolution of the title thereto upon the abandonment or
21 vacation thereof, whenever any street or alley, or any part
22 thereof, is vacated under or by virtue of any ordinance of
23 any municipality, the title to the land included within the
24 street or alley, or part thereof, so vacated, vests in the
25 then owners of the land abutting thereon, in the same
26 proportions and to the same extent, as though the street or
27 alley has been dedicated by a common law plat (as
28 distinguished from a statutory plat) and as though the fee of
29 the street or alley had been acquired by the owners as a part
30 of the land abutting on the street or alley.

31 (Source: Laws 1961, p. 576.)

32 Section 10. The Illinois Highway Code is amended by

1 adding Section 6-201.21 as follows:

2 (605 ILCS 5/6-201.21 new)

3 Sec. 6-201.21. Annexation.